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# QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

## Report on the human rights situation in the Palestinian territories occupied since 1967, submitted by Mr. René Felber, Special Rapporteur, pursuant to Commission on Human Rights resolution 1993/2 A

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## Introduction

1. Subsequent to his brief visit in January 1994, which was the subject of a brief report, the Special Rapporteur went to Israel and the occupied territories, as well as to Gaza and Jericho, from 16 to 27 October 1994. He was accompanied by a staff member of the Centre for Human Rights and an interpreter from the United Nations Office at Geneva. Thanks are due to the United Nations Special Coordinator in the Occupied Territories, Mr. T.E. Larsen, who helped organize the visit and the team's travel in the various parts of the territories, and the Minister for Foreign Affairs of Israel, who facilitated the Special Rapporteur's work by agreeing to requests to visit certain reserved areas (prisons) and allowed the mission complete freedom of movement.

2. A few important points should be made here:

(a) The Special Rapporteur of the Commission on Human Rights remains the only holder of an official mandate authorized to travel freely in Israel and the occupied territories;

(b) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, whose mandate was given to it by the United Nations General Assembly, has never been authorized to enter the territories and again this year was not able to enter Gaza or Jericho. Testimony has always been collected in the neighbouring countries: Egypt, Jordan and Syria;

(c) Testimony collected by the Special Committee in April and May 1994 is reflected in report A/49/511, submitted to the General Assembly. The report is accompanied by the Special Committee's conclusions;

(d) On 26 August 1994, the Special Rapporteur met at the Palais des Nations in Geneva with the three members of the Special Committee, who were holding a working meeting;

(e) The Special Rapporteur has agreed that the Special Committee's report should be included in the file. He will not resume hearing witnesses, since that has already been done; he of course reserves the right to hear any one who may be able to help him fulfil his mandate, but will not establish a list of witnesses.

3. Finally, it should be emphasized that the Declaration of Principles, the successive agreements signed at Washington and Cairo between Israel and the PLO and the achievement of autonomy in the Gaza Strip and Jericho have altered the political situation in the occupied territories. The peace process that has begun is considered irreversible, and the Israeli authorities are naturally replying to all the remarks addressed to them and all criticisms of non-respect for human rights in the occupied territories. It is to be hoped that the pursuit of the process will bring solutions to the problems raised; no other steps should be planned in the meantime.

4. The bloody attack in Tel Aviv on Wednesday, 19 October 1994, took place during the Special Rapporteur's visit. It was preceded by the abduction of

Corporal Wachsman and the Israeli army's failed attempt to free the young soldier. A few weeks earlier, an exchange of fire in a pedestrian street in West Jerusalem had left several people, including the two attackers, dead. Such events naturally strengthen the position of Israelis who oppose the peace process and increase the anger and pressure on the Government of all those in favour of harsh and violent repression.

5. In the words of the directors of Betzelem, the Israeli Information Centre on Human Rights in the Occupied Territories, the balance between the desire to enforce human rights and to reach a peaceful solution between Israelis and Palestinians, and the punitive policy towards all Arabs living in the occupied territories is extremely fragile. Attacks such as those that occurred during our visit lead automatically to a popular reaction in favour of repression. We must admit that, although we were never afraid, during our entire visit we noted an almost palpable tension in Israel, as well as in the occupied territories and Gaza.

## I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

| | |
|---|---|
| Monday, 30 May 1994<br>Tuesday, 31 May 1994 | Geneva, meeting of Special Rapporteurs of the Commission on Human Rights |
| Friday, 26 August 1994 | Geneva, talks with members of the Special Committee |
| 17-25 October 1994 | Programme of work in Israel and in the occupied territories |

Monday, 17 October 1994

Tel Aviv

Meeting with Brigadier-General A.-S. Ramot, Deputy Coordinator of General Government Operations in Judea, Samaria and the Gaza district;

Meeting with Colonel David Yahav, head of the International Law Section, Office of the Military Judge Advocate General.

Jerusalem

Talks with Mr. David Libai, Minister of Justice;

Talks with Mrs. Hanan Ashrawi, head of the Executive Committee of the independent Palestinian Committee for Citizens' Rights.

Tuesday, 18 October 1994

Gaza

Meeting with Mr. T.E. Larsen, United Nations Special Coordinator in the Occupied Territories;

Meeting with President Yasser Arafat;

Meeting with Mr. Raji Sourani and other members of the Gaza Centre for Rights and Law;

Meeting with Mr. Haidar Abdel Shafi.

Wednesday, 19 October 1994

Meeting with General A. Overkill and staff members of the office of the United Nations Special Coordinator for the Occupied Territories, concerning the training of units of the Palestinian police;

Meeting with Mr. Freih Abu Middein, Minister of Justice in the Palestinian Authority;

Meeting with Major General Nasser Youssef, head of the Palestinian Police Force;

Thursday, 20 October 1994

Jerusalem

Meeting with Mr. Andreas Wigger, head of the International Committee of the Red Cross delegation in Tel Aviv, and Mr. Darcy Christen, head of the International Committee of the Red Cross sub-delegation in Jerusalem.

Ramallah

Talks with Mr. Ahmad Sayyad, director of the Mandela Institute for Political Prisoners;

Talks with Mr. Fateh Azzam and members of the Al Haq human rights organization;

Visit to a ransacked home and a home whose entrances were sealed off.

Tel Aviv

Talks with Mr. Shimon Peres, Minister for Foreign Affairs of Israel.

Friday, 21 October 1994

Negev desert

Meeting with Colonel Lex Gez, commander of Ansar III "Ketziot" detention camp;

Visit to the detention camp;

Unsupervised interviews with nine prisoners.

Sunday, 23 October 1994

Jerusalem

Luncheon-meeting with Mr. Yossi Beilin, Deputy Minister for Foreign Affairs of Israel.

Monday, 24 October 1994

Jerusalem

Meeting with Mr. Yizhar Be'er, Executive Director, and Mr. Yuval Ginbar, researcher, at Betzelem, Israeli Information Centre for Human Rights in the Occupied Territories;

Meeting with Mr. Khader Shkirat, director of the Land and Water Establishment for Studies and Legal Services.

Tuesday, 25 October 1995

Hebron

Meeting with Mr. Eric Marquelet and staff members of the ICRC office in Hebron and with Mr. Zahi Jaradat, staff member of Al Haq, in Hebron;

Meeting with Mr. Mustafa Abdel-Nabi Natshe, mayor of Hebron;

Tour of the city with Dr. Zraya, municipal councillor;

Tour of the prison in Dahariya (near Hebron).

Jerusalem

Meeting with Mrs. Erella Hadar, Director of the Human Rights Department, Israeli Ministry of Foreign Affairs.

## II. HUMAN RIGHTS VIOLATIONS

### A. People

6. Rather than discuss a series of specific cases, we shall make some observations based on testimony collected by several non-governmental organizations and the Special Committee, which were brought to our attention through the reports that have been circulated.

7. We would like to point out, however, that whenever a former prisoner was brought before us, the problem of lengthy interrogations under unacceptable conditions (seated on a chair with no back, hands tied behind the back, etc.) was mentioned. Some witnesses mentioned the smallness of the cells in which they were held during the interrogations, with their hands tied to rings set in the ceiling. Intense psychological pressures are brought to bear; one released prisoner told us that in order to make him confess, his interrogators brought in his pregnant sister, who was on the verge of giving birth, and

threatened to rape her if he did not cooperate. Interrogations and their attendant suffering can last for up to 30 days in some cases, even if the person is later found innocent.

8. On 21 October 1994, we visited the military detention camp at Ketziot in the Negev desert. Opened in 1988, temporarily, to relieve the overcrowding in the West Bank prisons, it is still operating, after being enlarged five times. Its total capacity was 7,500 prisoners. We observed that several sections had been closed, bringing the number of occupants down to 853 prisoners, including 85 administrative detainees.

9. This prison should be closed rapidly. However, its commander told us that new prisoners were sent there for short periods of detention.

10. The location of the Ketziot camp, in the Negev desert in Israeli territory, is in itself an infringement of the Fourth Geneva Convention, which prohibits holding prisoners in a country other than their own.

11. The remoteness of the camp makes it particularly difficult to visit prisoners. A monthly visit by two adults and two children per prisoner is authorized. Some families have to travel an entire day to reach the camp. Since most visitors are women, the obligatory search before the visit becomes a serious problem if it is conducted by soldiers. The Muslim world does not tolerate such practices, which challenge their traditions and rules.

12. When temporary measures become long-term, unbearable situations are created. Prisoners are housed in army tents which have a short life span and do not stand up to desert conditions.

13. The prisoners are young: when we visited, the average age in the camp was determined to be 25-26 years. What can we say about these men, who are subjected to temperatures approaching 40 degrees centigrade during the day and 0 degrees at night?

14. They are held in a camp enclosed by wire netting and surrounded by an embankment on which vehicles can be driven, so that the camp resembles a huge bowl.

15. Since the prisoners inevitably talk with each other all day long, in certain circumstances discussions automatically become political meetings. The most influential prisoners quickly impose their points of view and we can state that under such conditions, the camp is in fact a training centre for the war against the Israeli occupiers. Sad proof of this was given to us by the camp commander, who told us that the latest attacks by Palestinians had been carried out by individuals released from Ketziot shortly (a few months) before: the automatic rifle attack in the pedestrian street in Jerusalem, the abduction of Corporal Wachsman and his subsequent execution during the failed release attempt by an Israeli commando group and, finally, the bloody suicide attack carried out by a young Palestinian in a city bus in Tel Aviv on 19 October 1994.

16. At our request, we were able to meet and speak with a group of nine prisoners, unsupervised by Israeli guards. Most of them spoke about the

visiting system, mentioned above, and said how difficult it was to bear detention under the conditions prevailing in the Ketziot camp. Several complained of not receiving proper treatment when sick: the camp's military doctor was frequently changed and cases were not followed up. There are frequent skin infections due to the lack of hygiene in the camp, and the harsh conditions of detention often cause back problems. Dental care is not provided, and it is difficult to get serious cases transferred to hospitals. The food is the same as that given to the soldiers in charge of the camp. Meals are prepared by cooks chosen from among the prisoners.

17. We had drawn up a list of eight prisoners whom we wished to meet; the camp commander granted our request immediately and assembled seven of them (the eighth had been released earlier), who were spontaneously joined by two more.

18. The following are the prisoners whom we met at Ansar III Ketziot:

Mr. Samir Mohammed El Aloul;

Mr. Abed El Rahman Mahmoud Jumaah;

Mr. Mahmoud Ismail Atweh;

Mr. Khadr Mahmoud Abbas;

Mr. Nizar Awadhallah;

Mr. Wajih Eid;

Mr. Ahmed Qatalmish

and two prisoners whose names were unfortunately not noted.

19. It should be mentioned that 85 prisoners in the Ketziot camp are administrative detainees. They have served their sentences and are being kept in detention for a six-month period, renewable three times, because they are considered dangerous. Mr. Ahmed Qatalmish had just been given a third six-month detention period a few days before our visit.

20. We would like to acknowledge the open-mindedness of the camp commander, Colonel Lex Gez, who replied straightforwardly to all our questions, authorized us to tour the camp and immediately granted our request to meet a group of prisoners whose names had been given to him when we arrived.

21. Our 25 October 1994 visit to the prison in Dahariya, near Hebron, was a further illustration of the prisoners' difficult conditions of detention. The communal rooms house 30 or so prisoners on straw mattresses. The only light enters through small openings at the top of a wall four metres high. The fact that detention here is brief does not make up for the overcrowding and lack of basic hygiene.

22. Both prisons are visited regularly by representatives of the International Committee of the Red Cross.

23. We deliberately fixed on the prisoners issue, for that was the problem that the representatives of non-governmental organizations whom we met in the occupied territories always mentioned as being in their view the problem to be dealt with first, in particular with regard to political prisoners.

24. Another problem directly involving the prisoners is the hindrance to freedom of movement. After every attack - and we wish to make it clear that we are not condoning bloody terrorist acts - collective punitive measures are taken by Israel. In general, the territories and autonomous areas are sealed off, preventing Palestinian workers from going to their jobs in Israel and thus depriving them of their only income.

25. This method disrupts Israel's agriculture and, in particular, the construction industry, leading the Government to authorize the hiring of foreign workers, especially Thais.

26. The full effect of these measures can be gauged when it is realized that over 20,000 Palestinians from the Gaza Strip work outside the autonomous territory. We met them on the afternoon of 19 October 1994, when they were being sent home without being told how long the measure against them would last, after the Tel Aviv attack, which was in fact committed by a terrorist who was not from Gaza.

27. Collective punishment has serious consequences, even if, according to one of the people in the Ministry of Foreign Affairs with whom we spoke, it ensures the safety of the Palestinian workers who might be victims of acts of revenge in Israel.

28. Sealing off the territories and the Gaza Strip also prevents students from that tiny region from attending schools in the West Bank.

29. This lack of freedom of movement is also felt on a general level by the fact that the Palestinians do not hold passports and are therefore only able to travel on the basis of documents issued specially for each case by the Israeli authorities.

30. Commercial restrictions were decreed in Hebron after the massacre in the Mosque of Abraham inside the Tomb of the Patriarchs on 25 February 1994. Besides the fact that the Mosque was closed, which prevented the Muslims from visiting their traditional place of worship, it was decided to protect the small settlement inside the old city by closing the central market in Hebron. Farmers and market gardeners are now forced to sell their products in an improvised marketplace on a city roundabout where the traffic flow is necessarily continuous, in an area smaller than that of the traditional marketplace. The closing of the market automatically led to the closing of the shops surrounding it, because they had lost all their customers.

31. In order to protect the settlers in the centre of the city (some 40 to 50 people), a powerful military control system is constantly maintained. The streets leading to the Israeli houses are closed off by concrete blocks and those needed for the movement of the settlers themselves or for access to the Palestinians' homes are strictly controlled by armed soldiers. No Palestinian cars are allowed into this area, and its inhabitants must make

lengthy and unnecessary detours to go home. Children going to and from school are subjected to the same controls as if they were living in the closed-off area.

32. There is much provocation and harassment of Palestinians by settlers: stone-throwing, burning of cars, broken windows, etc.

33. The people of Hebron are weary, and the inhabitants who can no longer stand the attacks on their homes, especially when they are located near the Kiryat Arba settlement are abandoning their houses. But the Israeli authorities do not permit new construction within the city. Houses built without a permit, and permits are issued sparingly, are demolished. We cannot avoid feeling that all efforts are focused on preventing normal life in Hebron and fostering an "Israelization" of the city by causing its inhabitants to leave.

34. It need hardly be added that Hebron has become a particularly sensitive point in the territories and that violence - leading, of course, to harsh repression - could erupt in the city at any time.

35. To complete this part of the report dealing with direct violations of individuals, emphasis should be placed on the insecurity that prevails in the occupied territories from a legal point of view. In addition to the Israeli legislation, numerous orders issued by the military authorities administering the territories are in force. Rules differ from one community to another and one region to another according to the commanders who issued them and the events or disturbances that have occurred in each place; they often remain in force even if the original cause has disappeared.

## B. Water

36. In a region like the one covered by the occupied territories and the Gaza Strip, the importance of water reserves and public water supply can well be imagined. With a few exceptions (Bethlehem, Ramallah), water supply is controlled by the Israelis.

37. Water consumption is governed by a quota system: the Palestinians receive 120 $m^3$ per year per inhabitant, while the Israeli settlers receive 600 $m^3$ per year per inhabitant. The price of water is set at $1.60 per $m^3$ for the Palestinians and $0.60 for the settlements.

38. Annual water reserves are estimated to be approximately 600 million $m^3$, 100 to 120 million $m^3$ of which are allocated to the Palestinians; the rest is under the control of the Israeli administration which makes it available to the settlements (not exclusively).

39. Before autonomy, Gaza had access to approximately 20 million $m^3$ of water per year; this quota has been reduced to 10 million $m^3$. It should be emphasized that most Palestinians do not have running water.

40. Some of our questions concerning the water supply were met with the reply that there was nothing to prevent the Palestinians from drilling wells.

However, the maximum drilling depth is 100 m. Since the settlements can drill wells as deep as 500 m below ground, those drillings have a better chance of reaching water and interfere with water catchment at lesser depths.

41. This information was supplied to us by the director of the Land and Water Establishment for Studies and Legal Services, Mr. Khadr Shkeirat, who is working to defend the land and water rights of the Palestinians.

## C. Land

42. Although everyone now agrees that the policy of establishing new Israeli settlements in the occupied territories has come to an end, everyone in the areas we visited also agreed that the existing settlements were expanding.

43. Methods for occupying land belonging to Palestinians have in all likelihood changed today: the perimeters of certain settlements (Hebron) are extended and trees on the neighbouring Palestinian lands are uprooted to increase the settlements' surface area. Practically no action is taken on legal complaints, and the guilty parties are never thwarted.

44. Land is expropriated in order to build roads to facilitate access to the settlements, linking them to each other and avoiding the Palestinian communities. Expropriations are made for reasons of the public interest (to open quarries, for example). Lands are confiscated in order to establish "protected natural areas". It is noticeable that these areas, like the two quarries we were shown, which required 1 million $m^2$ of land, are located on the boundary line between two settlements, thus forming an extensive control area.

45. The Palestinians are generally opposed to the confiscation of their lands and therefore reject the compensation they are offered. Cases brought before the courts only lead to confirmation of what is planned or has already been carried out and the setting of compensation.

46. During our first visit in January 1994, our attention was drawn to the question of the destruction of houses in which terrorists were hiding or might hide. This method of repression no longer appears to be used, or in any case not systematically. The effects of another method, however, that of sealing houses, are still being felt today.

47. In Ramallah, we saw a house whose entrances had been sealed since 1990 and whose occupants are still living in a small, flimsy, makeshift shed, in front of the building. Young children only know their house by its facade and closed doors. It is obvious that no one is in a position to decide when and how the house should be reopened and restored to its owners. No rules have been established in this area, and the entire family continues to be punished, while a new decision cannot be obtained.

48. In the same town, a family was awakened on Wednesday, 19 October 1994 at 2 a.m. by a group of officers (four or five according to the occupants' testimony) using a megaphone to order all the occupants of the house outside. They were there to arrest a suspect, who turned out to be one of the family's children, a young student. Leaving the family outside, the group of officers went into the house and systematically ransacked all the rooms: arm chairs,

sofas, and beds were ripped open, cupboards emptied and their contents strewn on the ground, the kitchen destroyed, appliances ripped out and broken, food containers overturned, including the olive jars which were emptied out on the terrace, school notebooks and textbooks torn apart. To crown this glorious military feat, one of the men defecated in the hall and threw his excrement on one of the beds. These events occurred over seven hours before the Tel Aviv attack on the same day and can in no way be considered an act of revenge.

49. We immediately reported this case to one of the Israelis with whom we were dealing, who said that while he regretted it, it demonstrated - if any demonstration was needed - that, despite orders and despite the difficult peace process, soldiers of an occupying army could always commit abuses, for fun or out of hatred, and that such abuses stirred up hatred against them and all the occupiers.

## III. SITUATION IN GAZA

50. It has to be admitted that after a few months of autonomy, the situation in the Gaza Strip is quite confused and the Palestinian authority is collapsing under a host of problems.

51. Security is in the hands of the Palestinian police force, under the command of Major-General Nasser Youssef. This hastily-formed force appears to have been accepted by the population, despite the fact that the men composing it come from outside the region. On-the-spot training is provided by officers of the Norwegian and Swedish police, in cooperation with the Centre for Human Rights.

52. Turning soldiers into policemen is not a simple matter, and the new police officers must first and foremost receive instruction on citizens' rights, the limits of police action and human rights in general. General Youssef hopes that a police school will be established using foreign experts. No financing for this project is yet available.

53. Freedom of expression is guaranteed, and no distinction is made between supporters or opponents of the peace process or the Palestinian authority. The next step is to guarantee freedom of the press.

54. The fact that the population possesses weapons makes security control difficult; weapons possession will necessarily have to be controlled. This serious problem will have to be settled through the adoption of a law currently under study, according to information we received from Mr. Freih Abu Meddein, who is responsible for justice in the Palestinian authority.

55. Tensions between the Palestinian authority and its political opposition are considerable, and police operations are always extremely delicate. The opposition regularly infringes the rules laid down, for example by organizing unauthorized demonstrations, with no possibility of intervention. There is always a high risk of confrontation. It is likewise difficult to apply the agreement with Israel, which stipulates that the Palestinian police forces must act at the request of the Israelis and follow certain procedures, as part

of a mutual assistance arrangement. Such difficulties can in no way be considered as excuses, and everyone in Gaza regrets the lack of clear legislation.

56. Mrs. Hanan Ashrawi - whose organization has its headquarters in Jerusalem - is even asking for unification of the legislation for all the occupied territories and autonomous areas. History, the military occupation and its decrees and the recent autonomy have all left their mark on the legal rules governing the entire region, but have not led to a clarification or unification of them.

57. This issue cannot be resolved without the holding of free elections in the autonomous areas, which would set up an authority empowered to legislate. Nevertheless, in the agreements the Israeli authorities reserved the right to oppose certain provisions or laws if it found them to be a threat to Israel's security!

58. The autonomous territories also need help in the training of judges.

59. All the military decrees issued during the 27 years of occupation are potentially repealable, but that cannot be done without Israel's agreement.

60. Although the intifada stopped when the Gaza Strip and Jericho attained autonomy - i.e. with the first effects of the peace process that grew out of the Oslo and Cairo agreements - and despite the withdrawal of the Israeli occupying troops from Gaza, 450 soldiers remain there to protect the Israeli settlements in the territory.

61. As regards infrastructures, everything must be rebuilt or built, in particular in Gaza City: roads, sewerage, water supply system, etc., are in a pitiful state. The magnificent beaches must be cleaned if tourism is to be developed one day.

62. The 20,000 to 30,000 workers with jobs in Israel remain a problem. The unemployment rate is currently at 60 per cent, and the reconstruction of Gaza, whose financing is not definite, will not absorb all of the unemployed.

63. In order to meet its own needs, the Palestinian authority will have to set up or reorganize a public administration capable of collecting taxes. Such a disadvantaged population will certainly provide too little tax revenue to cover the needs of the political authority, even if they are accurately estimated.

64. In the economic sphere, the situation in Gaza is particularly disturbing. The land in the region is poor, predominantly sand, and exports practically non-existent. Nearly all products consumed in Gaza come from Israel. Development is conceivable only with heavy support from abroad.

65. Although most of the people we visited favour peace, the precariousness of their situation, the slow pace of change and their receding hopes for a better life are producing bitterness that cannot fail in the long term to be dangerous for stability throughout the region.

## IV. CONCLUSIONS AND RECOMMENDATIONS

66. Our assessment of the situation in the occupied territories and the autonomous area of Gaza, together with the facts and testimony we collected (which, of course, it was not possible to verify in detail) were communicated to the Israeli authorities when we met with ministers and members of their staff.

67. The peace process initiated in 1993 presupposes that the parties pursuing the negotiations will have the will to make their decisions irreversible. This should eventually lead to an expansion of Palestinian autonomy in the territories and to the Palestinians taking over the management and administration of certain sectors (education, health, etc.).

68. At the same time, bilateral solutions are being sought for the establishment of peace and new relations between the States of the Middle East. The recent agreement with the Kingdom of Jordan is indicative of the Israelis' desire to eliminate the state of war between Israel and its neighbours.

69. All the positive steps that have been taken cannot be ignored. It has to be acknowledged, however, that human rights will have the most chance of being enforced once the process has been completed. Therefore, it is the international community's duty to support that process, and also to provide those involved in it with strong material support. Otherwise, the hopes raised will turn into disappointment tinged with anger, and the attack-repression cycle will resume throughout the country.

70. There remain two sensitive points with which we have not dealt in this report: Jerusalem and the settlements.

71. Regarding the first point, the Palestinian reactions to the Jordan-Israel agreement and the position taken by H.M. King Hussein demonstrate, if any proof is needed, how particularly sensitive this issue is.

72. As regards the Israeli settlements in the occupied territories and in Gaza, it is not necessary to be a prophet to say that they will necessarily be an extremely delicate point in the negotiation of relations between Israel and its Palestinian neighbours. The settlements' status will have to be defined clearly, and the problem of their security cannot ultimately be resolved by maintaining specialized troops in territories that have regained their autonomy and still less so in the event of independence.

73. Even if the large majority of people whom we met acknowledge that the entire country has always had Jews and Muslims living side by side, the current situation, if not redefined, must inevitably lead to painful confrontations. We had already emphasized this problem in our very brief report of 28 January 1994.

74. It is for the international community to support the process and the negotiations now under way, encourage a successful outcome and facilitate the

implementation of the agreements reached. Then and then only can we conceive of new relations between Israelis and Palestinians, in which human rights will naturally be taken into account.

75. Since the territories were occupied, the Special Committee appointed by the General Assembly is charged with monitoring respect for human rights in that part of the world. It has never been authorized to enter Israel or the territories in order to fulfil its mandate. It has prepared its reports by hearing witnesses outside the territories. Neither the General Assembly nor the Commission on Human Rights have been able to persuade Israel to change its attitude towards the Committee.

76. Neither the General Assembly nor the Commission has had any particular success in the area of enforcement of human rights in the occupied territories. No specific measures have been taken, and political condemnation is not proving effective. International public opinion is similar to Israeli public opinion: it regards security as taking precedence over human rights, and every terrorist attack brings out this feeling anew. Reading this report will not lead to a rapid or appreciable change in the situation in the occupied territories.

77. We draw the conclusion that only States, through bilateral or multilateral relations, are in a position to influence the Israeli Government or even the negotiators in the peace process. The same States also have the possibility of participating actively in the success of the projects undertaken, through financial and technical assistance to the autonomous regions. Let us cease to think, in contradiction with what the history of mankind, and especially recent centuries, has taught us, that the military occupation of a territory by a foreign army is compatible with human rights as we conceive them today and as they have been defined.

78. The solution of course lies in the establishment of normal peaceful relations between States, to guarantee the existence and security of each of them.

79. That does not mean that we should stop denouncing human rights violations or intervening in countries where human rights are under threat. But if the solution to the problem lies elsewhere than in simply reporting facts through the publication of a report, then let us change our method.

80. It is in this spirit that we submit this report, which naturally concludes with a proposal to do away with our services, and even to do away with appointing a Special Rapporteur in the occupied territories altogether. A report may soothe consciences, but its effectiveness should be measured by the impact of the points it makes and by how seriously they are taken by those to whom they are addressed.

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